

REPORTED BY THE COMMITTEE ON THE DISTRICT OF COLUMBIA.

JANUARY 11, 1827.

Read twice, and committed to a Committee of the Whole House to day.

A BILL

*To reform the penal laws of the District of Columbia, and
for other purposes.*

*Be it enacted by the Senate and House of Representatives
of the United States of America in Congress assembled, That,
if any person or persons shall, in the District of Columbia,
commit the crime of murder by means of poison, or by lying
in wait, or by duress of imprisonment, or by starving, or by
wilful, malicious, and excessive whipping, beating, or other cru-
el treatment or torture, or by any other kind of wilful, deliber-
ate, premeditated and malicious killing, or which shall be
committed in the perpetration, or attempt to perpetrate, any
arson, rape, robbery, or burglary, every such person, so offend-
ing, his or her counsellors, aiders, and abettors, shall be guilt-
y of felony, and shall, on conviction thereof, suffer death.*

*SEC. 2. And be it further enacted, That, if any person or
persons, in the said District, shall commit the crime of man-
slaughter, every such person, so offending, his or her counsel-
lors, aiders, and abettors, shall be guilty of felony, and shall, on
conviction thereof, be punished by fine, not exceeding ten
thousand dollars, and imprisonment and confinement to hard*

7 labor in the penitentiary, for any time, not exceeding twenty
8 years.

1 SEC. 3. *And be it further enacted*, That, if any person
2 or persons shall, in the said District, commit the crime of ar-
3 son, rape, robbery, or burglary, or if any person or persons,
4 in the said District, shall, in the night time, break or enter
5 any dwelling house, or any barn, stable, or other building,
6 parcel of any building or mansion house, armed with a dan-
7 gerous weapon, with intent to commit arson, rape, robbery, or
8 murder, every such person so offending, his or her counsel-
9 lers, aiders, and abettors, shall be guilty of felony, and shall,
10 on conviction thereof, suffer death.

1 SEC. 4. *And be it further enacted*, That, if any person
2 or persons shall, in the said District, commit robbery or bur-
3 glary, not accompanied with any of the circumstances of ag-
4 gravation aforesaid, every person so offending, his or her
5 counsellors, aiders, and abettors, shall be deemed guilty of
6 felony, and shall, on conviction thereof, be punished by fine,
7 not exceeding ten thousand dollars, and imprisonment and
8 confinement to hard labor, for any time not less than five
9 nor more than twenty-one years.

1 SEC. 5. *And be it further enacted*, That, if any person
2 shall, in the said District, make an assault upon any other per-
3 son, with intent to commit the crime of murder, rape or rob-
4 bery, or if any person shall, in the said District, attempt to

5 break or enter any dwelling house, mansion house, store,
 6 barn, stable, or other building, parcel of any dwelling or man-
 7 sion house, in the night, with intent to commit burglary,
 8 every person so offending, his or her counsellors, aiders and
 9 abettors, shall be deemed guilty of felony, and shall, on con-
 10 viction thereof, be punished by fine, not exceeding five thou-
 11 sand dollars, and imprisonment and confinement to hard
 12 labor, for any term, not less than one, nor more than ten years,
 13 according to the aggravation of the offence.

1 *SEC. 6. And be it further enacted, That, if any person*
 2 *or persons shall, in the said District, commit the crime of*
 3 *manslaughter, or if any person shall, in the said District, set*
 4 *fire to any dwelling house, or mansion house, or any store,*
 5 *barn, stable, or other building, parcel of any dwelling house,*
 6 *or mansion house, with intent to commit arson, every such*
 7 *person, so offending, his or her counsellors, aiders, and abet-*
 8 *tors, shall be deemed guilty of felony, and shall, on conviction*
 9 *thereof, be punished by fine, not exceeding five thousand*
 10 *dollars, and imprisonment and confinement to hard labor for*
 11 *any time not less than one, nor more than ten years, accord-*
 12 *ing to the aggravation of the offence.*

1 *SEC. 7. And be it further enacted, That, if any person*
 2 *shall, in the said District, wilfully and maliciously set fire to,*
 3 *or burn, any house, not being a dwelling house, or mansion*
 4 *house, or any store, barn, or stable, or other building not*

5 parcel of a dwelling or mansion house, or any stack of bark,
 6 stack or rick of hay, or any ship or vessel afloat, or any ship
 7 or vessel built or building, or began to be built, or repairing,
 8 or any arsenal, warehouse, rope-walk, lighthouse, or beacon,
 9 or any other building, or any timber, cables, rigging, or other
 10 materials for building or fitting out ships or vessels, or any
 11 pile of wood, boards, or other lumber, or any military or naval
 12 stores, arms, or munitions of war, or any bridge, every such
 13 person so offending, his or her counsellors, aiders and abet-
 14 tors, shall be deemed guilty of felony, and shall, on convic-
 15 tion thereof, be punished by fine, not exceeding five thou-
 16 sand dollars, and imprisonment and confinement to hard labor,
 17 not exceeding ten years, according to the aggravation of the
 18 offence.

1 SEC. 8. *And be it further enacted,* That, if any person
 2 shall, in the said District, wickedly, wilfully, unlawfully, and
 3 maliciously stab, wound, or shoot at any other person, or cut
 4 or bite off the ear, or cut out or disable the tongue, or put out
 5 an eye, slit the nose, cut or bite off the nose or lip, or cut off
 6 or disable any limb, or member, of any other person, with
 7 intent to maim, or disfigure, or to murder such person, or if
 8 any person in the said District shall, premeditatedly, attempt
 9 wickedly to poison any other person, every person so offending,
 10 his or her aiders, counsellors, and abettors, shall be deemed
 11 guilty of felony, and shall, on conviction thereof, be punished

12 by fine, not exceeding five thousand dollars, and imprisonment
13 and confinement to hard labor, for any time not more than ten
14 years, according to the aggravation of the offence.

1 Sec. 9. *And be it further enacted,* That, if any person or
2 persons shall, in the said District, falsely make, forge, or coun-
3 terfeit, or cause or procure to be falsely made, forged, or coun-
4 terfeited, or willingly aid or assist in falsely making, forging,
5 or counterfeiting, any paper, writing, or instrument, in imita-
6 tion of, or purporting to be, a bank note, promissory note,
7 bond, penal or single bill, bill of exchange, check or order, on
8 any bank, body corporate or politic, or individual, or any ac-
9 ceptance on any bill of exchange, order or check, or any en-
10 dorsement on any bill of exchange, promissory note, order or
11 check, or assignment on any bond or other speciality, or any
12 articles of agreement, or other written contract, or any other
13 writing, containing any bargain, promise, or engagement, to
14 pay money, or deliver any thing of value, or the evidence
15 thereof, on any record, or any deed of conveyance, or other
16 evidence of title to land, or any bill of sale of personal pro-
17 perty, or any affidavit, or written document, or paper, to be
18 laid before any officer or department of the Government of
19 the United States, as evidence of any claim against the United
20 States, or any authentication of any such affidavit, written
21 document, or paper, or any affidavit, exhibit, or other writing,
22 to be produced as evidence in any Court of Justice, or before

23 any Judge or Justice of the Peace, or any authentication
24 thereof, or any receipt or acquittance, or any power of attorney;
25 or if any person shall, in the said district, falsely alter any
26 bank note, promissory note, bond, penal or single bill, bill of
27 exchange, check, or order on any bank, body politic or corpo-
28 rate, or individual, or any acceptance on any bill of exchange,
29 order or check, or any endorsement on any bill of exchange,
30 promissory note, order or check, or assignment on any bond
31 or other speciality, or any articles of agreement, or other
32 writing, containing any bargain, promise, or engagement to
33 pay money, or deliver any thing of value or the evidence
34 thereof, or any record or copy thereof, or any deed of convey-
35 ance, or other evidence of title to land, or any bill of sale of
36 personal property, or any affidavit, or written document, or
37 paper, to be laid before any officer or department of the
38 Government of the United States, as evidence of any claim
39 against the United States, or any authentication of any such
40 affidavit, written document, or paper, or any affidavit, exhibit,
41 or other writing, to be produced as evidence in any court of
42 justice, or before any Judge or Justice of the Peace, or any
43 authentication thereof, or any receipt or acquittance, or any
44 power of attorney; or if any person shall, in the said district,
45 pass, utter, or publish, or attempt to pass, utter, or publish,
46 as true and genuine, any paper, writing, deed, document, or
47 instrument whatever, herein before mentioned, knowing the

48 same to be falsely altered as aforesaid, or if any person shall,
49 in the said District, pass, utter, or publish, or attempt to pass,
50 utter, or publish, as true and genuine, any paper or writ-
51 ing whatsoever, falsely made, forged, and counterfeited,
52 in imitation of, or purporting to be, a bank note, promissory
53 note, or any other paper, writing, document, or instrument
54 of writing, herein before mentioned, knowing the same to be
55 falsely forged or counterfeited; or, if any person shall, in the
56 said District, embezzle or destroy any record of any court,
57 or of any department of the Government of the United States,
58 with intent to defraud the United States, or any body politic
59 or corporate, or any individual person or persons whatsoever,
60 every person, so offending, his or her counsellors, aiders, and
61 abettors, shall be deemed guilty of felony, and shall, on con-
62 viction thereof, be punished by fine, not exceeding five thou-
63 sand dollars, and imprisonment and confinement to hard la-
64 bor for any time not exceeding ten years, according to the
65 enormity of the offence.

1 SEC. 10. *And be it further enacted,* That, if any person
2 shall, in the said District, falsely and deceitfully cheat or de-
3 ceive, or attempt to cheat or deceive, any other person, by
4 means of any false token or device, with intent unjustly and
5 fraudulently to procure money, or any other valuable thing,
6 from such person or persons; or if any person shall, in the said
7 District, send threatening letters to any other person or per-

sons, for the purpose and with the design of unjustly and unlawfully obtaining money, or any other valuable thing, from such person or persons, every such person, so offending, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by fine, not exceeding one thousand dollars, and imprisonment and confinement to hard labor for any term not exceeding seven years, according to the aggravation of the offence.

SEC. 11. *And be it further enacted,* That, if any person shall, in the said District, commit the crime of perjury, or the crime of subornation of perjury, every such person so offending, shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by fine, not exceeding three thousand dollars, and imprisonment and confinement to hard labor, for any time not more than seven years, according to the aggravation of the offence.

SEC. 12. *And be it further enacted,* That, if any persons, to the number of three or more, shall, in the said District, meet together upon a preconcerted design to disturb, by any act of violence or tumult, the public peace, or being met without such previous design, shall, in concert, proceed to do any unlawful act of violence or injury upon the person or goods of any other person, they shall be deemed, and considered rioters, and every person so offending, and being thereof convicted, shall be punished by fine not exceeding five hun-

10 dred dollars, or by confinement in the jail of the county where
11 the conviction takes place, for any time less than one year,
12 at the discretion of the jury.

1 SEC. 13. *And be it further enacted,* That, if any person
2 shall, in the said District, unlawfully, by force and violence,
3 take or carry away, or cause to be taken or carried away, or
4 shall, by fraud, unlawfully seduce or cause to be seduced, any
5 negro or mulatto, from any part of the said District, to any
6 other place, with design or intention to sell or dispose of such
7 negro or mulatto, or cause him or her to be sold or disposed
8 of, or to keep such negro or mulatto, or to cause him or her
9 to be kept and detained as a slave or servant for years, every
10 such person so offending, his or her counsellors, aiders, and
11 abettors, shall be deemed guilty of felony, and shall, on con-
12 viction thereof, be punished by fine, not exceeding five thou-
13 sand dollars, and imprisonment and confinement to hard labor,
14 for any time not exceeding seven years, according to the
15 enormity of the offence.

1 SEC. 14. *And be it further enacted,* That, if any person
2 shall, in the said District, by force or violence, unlawfully take
3 or carry away, or by fraud seduce or cause to be seduced,
4 any white child under the age of fourteen years, from any
5 part of the said District, to any other place, with design mali-
6 ciously to injure or distress the parents, guardians, or rela-
7 tions of such child, to extort money from them, or any of them,

8 or to inflict any injury on the person of such child, every such
9 person so offending, his or her counsellors, aiders, and abet-
10 tors, shall be deemed guilty of felony, and shall, on conviction
11 thereof, be punished by fine not exceeding five thousand dol-
12 lars, and imprisonment and confinement to hard labor for any
13 time not exceeding seven years, according to the aggravation
14 of the offence.

1 SEC. 15. *And be it further enacted*, That, if any person
2 shall, in the said District, feloniously steal, take, and carry
3 away, any of the personal goods of another, or any bank note,
4 promissory note, bond, penal or single bill, bill of exchange,
5 check, draft, or order, on any bank, body politic, or corporate,
6 or individual, or firm of merchants, or any certificate of stock
7 in the public funds of the United States, or of any State, or
8 in any bank, or other body politic, or corporate, or any lottery
9 ticket, or any other article of value, or any instrument of wri-
10 ting representing any article of value, or the evidence of the
11 ownership thereof, every such person so offending, his or her
12 counsellors, aiders, and abettors, shall be deemed guilty of
13 felony, and shall, on conviction thereof, be punished by fine
14 not exceeding double the value of the thing stolen, and im-
15 prisonment and confinement to hard labor for any time not
16 more than seven years, according to the aggravation of the
17 offence.

1 SEC. 16. *And be it further enacted*, That, if any person
2 shall, in the said District, buy, receive, or conceal, or willingly

3 aid in buying, receiving, or concealing, any goods, or any
 4 article, the stealing of which is made punishable by this act,
 5 or any law of the United States, knowing the same to have
 6 been stolen or robbed, every such person so offending, shall
 7 be deemed guilty of a misdemeanor, and shall, on conviction
 8 thereof, pay a fine not exceeding one thousand dollars, and be
 9 imprisoned and confined to hard labor for any time not more
 10 than seven years. And such person so offending, may be tried
 11 and convicted without the principal offender who stole or
 12 robbed the goods being first tried and convicted; provided
 13 such principal offender has fled from justice, cannot be found,
 14 to be put on his trial, or is of so tender an age that he is not,
 15 in the opinion of the Court before whom the trial takes place,
 16 a fit subject of punishment.

1 SEC. 17. *And be it further enacted,* That the robbery
 2 of any bank note, promissory note, bill of exchange, or any
 3 other instrument of writing, mentioned in the fifteenth sec-
 4 tion of this act, shall be punished in the same manner as the
 5 robbery of any other goods or chattels.

1 SEC. 18. *And be it further enacted,* That, in all convic-
 2 tions of larceny, or robbery, or of burglary, in the perpetra-
 3 tion of which any goods shall be stolen, or of receiving stolen
 4 or robbed goods, the Court before which the conviction takes
 5 place, shall, in addition to the punishment hereinbefore speci-
 6 fied to be inflicted on such as are guilty of these offences.

7 sentence the offenders to restore to the owner thereof the
 8 goods and chattels stolen, or so much thereof as has not been
 9 restored, or pay the full value thereof, to such owner or owners ;
 10 *Provided*, That nothing herein contained, shall prevent the
 11 owner of such goods from being a witness against such offend-
 12 er, on his or her trial.

1 **SEC. 19.** *And be it further enacted*, That, in all cases of con-
 2 viction of any crime, the Court shall sentence the offender to
 3 pay the costs of the prosecution ; and if such offender, who
 4 shall be sentenced to pay a fine, the costs of prosecution, or to
 5 restore stolen or robbed goods, or pay the value thereof, or all
 6 or any of them, shall not immediately comply with such sen-
 7 tence, a process may issue out of the Court where the con-
 8 viction takes place, on such sentence, in the nature of a fieri
 9 facias, by virtue of which, without any other process, the
 10 Marshal shall levy upon, and sell the goods and chattels,
 11 lands and tenements, of such convicted person, to the amount
 12 of the said sentence and costs, and have the money, at the re-
 13 turn day of such process, in Court, to render to the United
 14 States, or the person or persons entitled thereto ; and if the
 15 said goods and chattels, lands and tenements, cannot be sold
 16 on such process, from any cause, then a process, in nature of
 17 a venditione exponas, may issue on the said sentence and levy,
 18 ordering the Marshal to sell the same ; and if more than is
 19 sufficient to pay the said sentence be raised by the sale, such

20 surplus shall be paid to the person against whom the said pro-
21 cess issued. The provisions of this section shall not be con-
22 strued to prevent the Court from ordering the offender to be
23 detained in prison until he or she complies with the sentence
24 of the Court.

1 SEC. 20. *And be it further enacted*, That, if any person
2 in the said District, shall, wilfully, maliciously, or wantonly,
3 disturb any religious congregation, society, or association, en-
4 gaged in the worship of Almighty God, by making a noise.
5 or other tumultuous disorderly conduct, every such person,
6 so offending, shall be deemed guilty of a misdemeanor, and
7 shall, on conviction thereof, be punished by fine not exceeding
8 two hundred dollars, or imprisonment in the jail of the county
9 where the offence was committed, for any time not exceeding
10 one year, at the discretion of the Jury.

1 SEC. 21. *And be it further enacted*, That, if any person
2 shall, in the said District, in the night time, break or enter
3 any store, warehouse, barn, stable, or other building not being
4 a mansion house, or dwelling house, or parcel of any mansion
5 or dwelling house, with intent to commit larceny, or any other
6 felony therein, every such person so offending, shall be deemed
7 guilty of a high misdemeanor, and shall, on conviction thereof,
8 be punished by fine not exceeding one thousand dollars, and
9 imprisonment and confinement to hard labor for any time not
10 more than seven years, according to the aggravation of the
11 offence.
12

1 SEC. 22. *And be it further enacted*, That, if any person
 2 shall, in the said District, commit an assault, or an assault
 3 and battery, on any other person, every such person so offend-
 4 ing, shall be punished by fine not exceeding one hundred dol-
 5 lars, or imprisonment in the jail of the county where the
 6 conviction takes place, for any time not exceeding one year.
 7 according to the aggravation of the offence.

1 SEC. 23. *And be it further enacted*, That, in all cases
 2 not provided for by this act, where, by the laws now in force
 3 in the said District, whipping, imprisonment, or putting in the
 4 pillory, forms the whole or any part of the punishment in-
 5 flicted for any crime, the person who may be convicted of
 6 such crime, if the same be an infamous one, shall be punished
 7 by fine, not exceeding one thousand dollars, and imprison-
 8 ment and confinement to hard labor, for any time not more
 9 than seven years. And, if such crime be not an infamous one,
 10 the person or persons convicted thereof, shall be punished by
 11 fine, not exceeding five hundred dollars, and imprisonment in
 12 the jail of the county where the conviction takes place, for
 13 any time not more than two years, according to the aggrava-
 14 tion of the offence.

1 SEC. 24. *And be it further enacted*, That no crime shall,
 2 in the said District, be punished with death, except those
 3 which have that penalty expressly affixed to them by this, or
 4 some other act of Congress. But in all cases of crimes, not

5 specifically provided for by this, or some other act of Congress,
6 where, by the laws of Maryland or Virginia, now in force in
7 the said District, the penalty of death is inflicted, the offender
8 shall be punished by fine, not exceeding five thousand dollars,
9 and imprisonment and confinement to hard labor, for any
10 time not more than ten years.

1 *SEC. 25. And be it further enacted,* That, in all cases of
2 offences below the degree of felony, it shall be the duty of the
3 Grand Jury, before whom the complaint is brought, if they
4 do not find a bill, to inquire who is the private prosecutor;
5 and if they are of opinion the charge is frivolous, malicious,
6 or groundless, they shall have power to find that such private
7 prosecutor shall pay the costs of prosecution that have accru-
8 ed; on which finding, the Court shall sentence such prose-
9 cutor to pay the costs, or find security to pay them in twenty
10 days, or be in the custody of the Marshal till they are paid.
11 And, in all cases below the degree of felony, if the Petit Jury
12 before which the trial is had, shall be of opinion that the
13 charge is frivolous, malicious, or groundless, they may find
14 the defendant not guilty, and ascertain who the private pro-
15 secutor is, and order him or her to pay the costs of prosecu-
16 tion; on which finding, the Court shall sentence him or her
17 to pay the costs immediately, or be in custody as aforesaid,
18 till they are paid.

1 **SEC. 26.** *And be it further enacted,* That no person in
2 the said District shall be committed to prison on account of
3 his not being able to find security to appear as a witness in
4 any criminal case, unless the Justice, Judge, or Court, before
5 whom such commitment is required, shall be satisfied that
6 such person intends to leave the United States, or designs to
7 absent himself wilfully from the trial, and that he can testify
8 to material facts; but the recognizance of such person shall
9 be taken without bail. And, in all cases where a witness is
10 confined in jail to secure his attendance, he shall be allowed
11 his fees as a witness, not only for the number of days he ap-
12 pears in Court, but, also, for all the time he has been so con-
13 fined.

1 **SEC. 27.** *And be it further enacted,* That, whenever the
2 Judges of the Circuit Court of the United States, for the said
3 District, shall deem it for the interest of the United States,
4 they shall order a special session of the said Court, to be
5 held by one of the Judges thereof, for the trial of all criminal
6 offences, except such as are punished with death; and the
7 said Court, at such session, shall possess all the powers and
8 authorities in criminal matters, except as is before excepted,
9 that the said Circuit Court itself possesses.

1 **SEC. 28.** *And be further enacted,* That no colored person
2 committed to prison in the said District, for any cause, shall
3 be sold into slavery to raise money to pay his prison fees or

4 expenses; but where such colored person cannot pay such fees
 5 or expenses, he may be bound by indenture by the Marshal,
 6 for any time not exceeding four years, to any inhabitant of the
 7 said District who will pay the said fees or expenses, or secure
 8 the payment thereof. The indenture shall be recorded in the
 9 office of the Clerk of the Circuit Court for the proper coun-
 10 ty, and shall be void if the person to whom such colored per-
 11 son shall be bound, shall remove him or her out of the Dis-
 12 trict, or shall transfer such indenture to any person not re-
 13 siding in the said District.

1 SEC. 29. *And be it further enacted,* That it shall be the
 2 duty of the Inspectors of the Penitentiary of the the District
 3 of Columbia, at their first meeting, in the month of January,
 4 in each year, and the Third Auditor of the Treasury, who
 5 shall, for that purpose, meet with them, to fix a rate per day,
 6 at which the keepers of the said jails shall charge for board-
 7 ing all prisoners who may be confined therein, and the ex-
 8 pense of whose support is, by law, to be paid by the United
 9 States; and if any keeper of either of the jails within said
 10 District, after such rate is fixed, shall charge, for boarding any
 11 such prisoners, a greater sum than is allowed by such rate,
 12 he shall, on conviction thereof, be fined, not exceeding two
 13 hundred dollars.

1 **SEC. 30. *And be it further enacted,*** That all acts of Con-
2 gress, or laws now in force in the said District, so far as they
3 are hereby supplied, and so far as they are inconsistent with
4 the provisions of this act, shall be considered as repealed, so
5 soon as the President of the United States shall, by his pro-
6 clamations, pronounce the penitentiary in a situation to receive
7 convicts: *Provided, however,* That any person who may have
8 committed any crime against the acts of Congress, or laws
9 now in force in said District, and who shall not have been
10 tried therefor, or any person who shall have been tried and
11 convicted of any such offence, before the repealing clause
12 aforesaid shall take effect, shall be tried and punished in the
13 first case, and in the second case shall be sentenced to undergo
14 such pains and penalties as the law now in force provides, un-
15 less such offender in the first case, and such convict in the se-
16 cond case, shall openly pray the Court before whom the trial
17 has taken place, or the Court before whom the trial is to be
18 had, that he or she may have the benefit of the provisions of
19 this law. In which case, the said Court shall comply with said
20 prayer; and, in case of such prayer coming from a convict, the
21 Court shall pass such sentence on such convict, as said Court
22 would have passed had said offence been committed subse-
23 quent to the passage of this act.